IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.7834 of 1998

Dated: 09-07-2007

Between:

Uppari Narsamma, w/o late Eranna,
aged about 55 years,
r/o Ieej village and Mandal,
Mahabubnagar District.

... Petitioner

and

1. The Joint Collector,
   Mahabubnagar,
   Mahabubnagar District and 3 others.

... Respondents

ORDER:

Questioning the proceedings in Case No.B8/10/96, dated 01-11-1997 passed by first respondent – Joint Collector, the present writ petition has been filed seeking to quash the same and also to declare the entertaining of appeal under Section 158 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli against the order passed in appeal under Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 i.e. Act 26 of 1971 (for short, 'the Act') is

nothing but an abuse of the process of law.

2. It may not be necessary for this Court to peruse the averments made by petitioner in the affidavit filed in support of the writ petition, as the point involved in this writ petition is squarely covered by a Division Bench judgment of this Court in **M.B.RATNAM v. REVENUE DIVISIONAL OFFICER, R.R. DISTRICT**[1], wherein it was held that against an order passed by the Mandal Revenue Officer under Section 5 of the Act, appeal filed under the provisions of A.P.(T.A) Land Revenue Act, 1937-F, is not maintainable.

3. In the instant case, evidently, the order passed by the Assistant Collector is one under Section 5(5) of the Act and hence, the question of preferring an appeal against the said order, under Section 158 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1937 Fasli does not arise.

4. Accordingly, the writ petition is allowed and the order dated 01-11-1997 passed by first respondent is quashed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.09-07-2007
GLV

[1] 2003(1) ALD 826 (DB)